



**WINCHESTER COMMON COUNCIL
IN REGULAR SESSION
FEBRUARY 10, 2015**

A regular session of the Winchester Common Council was held on Tuesday, February 10, 2015 in the Council Chambers, Rouss City Hall. President Willingham called the meeting to order at 6:00 p.m.

PRESENT: Councilor Evan Clark, John Hill and Corey Sullivan; Vice-President Milt McInturff; City Councilor Kevin McKannan and William Wiley; Mayor Elizabeth Minor; President John Willingham (8)

ABSENT: Vice-Mayor Les Veach (1)

MOMENT OF SILENCE – President Willingham led the citizens and councilors in a moment of silence.

PLEDGE OF ALLEGIANCE – Mayor Minor led the citizens and councilors in the Pledge of Allegiance.

APPROVAL OF MINUTES – January 27, 2015 Regular Meeting and January 27, 2015 Work Session

Vice-President McInturff moved to approve the minutes as presented. *The motion was seconded by Councilor Hill then unanimously approved 8/0.*

REPORT OF THE MAYOR

Essay Award Winner for “If I Were Mayor” – Mac Gordon

Mac Gordon, a seventh grader at Daniel Morgan Middle School, read his award winning essay. Mayor Minor presented Mr. Gordon with a pen from the City to continue his writing.

Mayor Minor presented a proclamation honoring February 11, 2015, as Charles Broadway Rouss Day in the City of Winchester.

REPORT OF THE CITY MANAGER

City Manager Eden Freeman stated she is pleased to announce the Public Services Department has been awarded the Water Quality Fluoridation Award from the U.S. Department of Health and Human Services Centers for Disease Control and Prevention. The award recognizes the efforts by the City’s water treatment plant operators to maintain optimum fluoride levels in the city’s drinking water something everyone benefits from everyday. In addition, she announced the Fire & Rescue Department’s nationally certified child passenger safety technicians will provide free safety seat inspections on February 13th at Shawnee Fire Company during the Virginia Department of Health’s “Best Hug in the World” Buckle Up campaign.

REPORT OF THE CITY ATTORNEY

City Attorney Anthony Williams stated he had nothing to report.

PUBLIC HEARINGS

- 1.1 O-2014-46:** Second Reading – AN ORDINANCE TO REZONE 0.064 ACRES OF LAND AT 116 W. LEICESTER STREET (*Map Number 192-01-S-12*) & 118 W. LEICESTER STREET (*Map Number 192-01-S-13*) FROM MEDIUM DENSITY RESIDENTIAL DISTRICT (MR) ZONING WITH HISTORIC WINCHESTER DISTRICT (HW) OVERLAY TO RESIDENTIAL BUSINESS DISTRICT (RB-1) ZONING WITH HISTORIC WINCHESTER DISTRICT (HW) OVERLAY. (RZ-14-625)(*The proposed rezoning would permit up to 2 units.*)

Charles Jackson of Winchester spoke in opposition to rezoning the properties to Residential Business District. He stated he does not have an issue with the two townhouses but to the possible businesses that may go there.

Deborrah Walker of 808 Kennedy Drive spoke in opposition to the change in zoning to a Residential Business District. She stated she fears it will allow businesses in a residential area.

Chris Maben of 113 Wynn Circle in Frederick County and owner of the adjoining property at 120 West Leicester Street spoke in opposition to the number of townhomes proposed in a single family residential area.

President Willingham asked if there was anyone else wishing to address Council. Seeing none, he closed the public hearing at 6:18 p.m.

Tim Youmans, Planning Director, presented an aerial picture of the lots proposed for two townhomes. He stated there are no provisions in the proffers for the applicant to do anything but the two townhouse units. The rezoning reestablishes one unit on each lot. The Board of Architectural Review will still need to give a Certificate of Appropriateness for the exterior of the units since the properties are in the historic district.

Vice-President McInturff moved to approve O-2014-46. *The motion was seconded by Councilor Wiley then adopted by the affirmative vote of a majority of all members of the Common Council, the ayes and nays being recorded as shown below:*

<u>MEMBER</u>	<u>VOTE</u>
Councilor Clark	Aye
Councilor Hill	Aye
Vice-President McInturff	Aye
Councilor McKannan	Aye
Mayor Minor	Aye
Councilor Sullivan	Aye

Vice-Mayor Veach	Absent
Councilor Wiley	Aye
President Willingham	Aye

- 1.2 O-2014-47:** Second Reading – AN ORDINANCE TO REZONE 0.736 ACRES OF LAND AT 2508 PAPERMILL ROAD (*Map Number 291-03- -1*) FROM INTENSIVE INDUSTRIAL DISTRICT (M-2) ZONING TO COMMERCIAL INDUSTRIAL DISTRICT (CM-1) ZONING. (RZ-14-639) (*The rezoning would permit retail development in conjunction with the adjoining property to the south.*)

President Willingham asked if there was anyone wishing to address Council. Seeing none, he closed the public hearing at 6:31 p.m.

Vice-President McInturff moved to approve O-2014-47. *The motion was seconded by Mayor Minor then adopted by the affirmative vote of a majority of all members of the Common Council, the ayes and nays being recorded as shown below:*

<u>MEMBER</u>	<u>VOTE</u>
Councilor Clark	Aye
Councilor Hill	Aye
Vice-President McInturff	Aye
Councilor McKannan	Aye
Mayor Minor	Aye
Councilor Sullivan	Aye
Vice-Mayor Veach	Absent
Councilor Wiley	Aye
President Willingham	Aye

- 1.3 O-2015-01:** Second Reading – AN ORDINANCE AMENDING AND REENACT ARTICLES 1, 18, 21 AND 23 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO MOBILE FOOD ESTABLISHMENT DEFINITIONS, PERMITS, AND FEES. TA-14-698 (*Proposal will establish basic permitting and operational standards for food trucks on private property.*)

Arthur Christjohn of 523 Fairmont Avenue expressed his concerns regarding the use of propane on a food truck and the possibility of attracting vermin when the trucks are stored with food inside. He also expressed a concern regarding an abandoned van that has been parked near his property for four months.

President Willingham asked if there was anyone else wishing to address Council. Seeing none, he closed the public hearing at 6:33 p.m.

Aaron Grisdale, Director of Zoning and Inspections stated the maximum allowed time on one parcel is 48 hours.

Vice-President McInturff moved to approve O-2015-01. *The motion was seconded by Mayor Minor then adopted by the affirmative vote of a majority of*

all members of the Common Council, the ayes and nays being recorded as shown below:

<u>MEMBER</u>	<u>VOTE</u>
Councilor Clark	Aye
Councilor Hill	Aye
Vice-President McInturff	Aye
Councilor McKannan	Aye
Mayor Minor	Aye
Councilor Sullivan	Aye
Vice-Mayor Veach	Absent
Councilor Wiley	Aye
President Willingham	Aye

1.4 CU-14-640: Conditional Use Permit – Request of Joshua Schakola on behalf of Verizon Wireless for a conditional use permit for modifications to a telecommunication tower at 799 Fairmont Ave (Map Number 153-01- -2-A) zoned Limited Industrial (M-1)

Arthur Christjohn of 523 Fairmont Avenue spoke in opposition to the application for a Conditional Use Permit and provided Council with a written list of issues concerning Verizon and Verizon Wireless. Mr. Christjohn expressed his concern that the tower did not have an FAA approved light and is in the flight path of helicopters traveling to and from the hospital. He also expressed concern regarding the wires left hanging off of poles throughout the city by Verizon and the safety issues it could cause to the citizens of Winchester.

Tracy Themak, a zoning counselor for Verizon Wireless from Donohue & Stearns, stated Verizon Wireless is a separate entity from Verizon Landline and therefore has no control over the cables on other structures other than the telecommunications facilities, lattice towers or monopoles.

President Willingham asked if there was anyone else wishing to address Council. Seeing none, he closed the public hearing at 6:39 p.m.

Vice-President McInturff moved to approve CU-14-640. *The motion was seconded by Mayor Minor then unanimously approved 8/0.*

2.0 PUBLIC COMMENTS

Arthur Christjohn of 523 Fairmont Avenue spoke in opposition of the skateboarder activity occurring on the National Fruit parking lots, sidewalks and in the streets since the skateboard park in Jim Barnett Park has been closed.

President Willingham asked if there was anyone else wishing to address Council. Seeing none, he closed the public hearing at 6:41 p.m.

3.0 CONSENT AGENDA

- 3.1 O-2015-02:** First Reading – AN ORDINANCE TO REZONE 5.1674 ACRES OF LAND AT 380 MILLWOOD AVENUE (*Map Number 233-01- -3*) FROM MEDIUM DENSITY RESIDENTIAL DISTRICT (MR) ZONING TO MEDIUM DENSITY RESIDENTIAL DISTRICT (MR) ZONING WITH PLANNED UNIT DEVELOPMENT (PUD) OVERLAY RZ-14-628
- 3.2 R-2015-05:** Resolution – Support of the Handley Board of Trustees’ resolution that revises and updates their term structure within their by-laws
- 3.3 R-2015-04:** Resolution – Expression of Support for the Goals of the Addiction Action Committee

Vice-President McInturff moved to approve the Consent Agenda as presented. *The motion was seconded by Councilor Hill then unanimously approved 8/0.*

4.0 AGENDA

- 4.1 O-2014-29:** First Reading – AN ORDINANCE TO AMEND SECTION 16-5 OF THE WINCHESTER CITY CODE PERTAINING TO CURFEW VIOLATIONS

5.0 EXECUTIVE SESSION

- 5.1** MOTION TO CONVENE IN EXECUTIVE SESSION PURSUANT TO §2.2-3711(A)(7) OF THE CODE OF VIRGINIA FOR THE PURPOSE OF RECEIVING LEGAL ADVICE FROM THE CITY ATTORNEY AND LEGAL CONSULTATION REGARDING THE SUBJECT OF SPECIFIC LEGAL MATTERS REQUIRING THE PROVISION OF LEGAL ADVICE BY THE CITY ATTORNEY AND MATTERS OF ACTUAL OR PROBABLE LITIGATION AND PURSUANT TO §2.2-3711(A)(1) OF THE CODE OF VIRGINIA FOR THE PURPOSE OF DISCUSSION AND CONSIDERATION OF INFORMATION REGARDING THE SUBJECT OF THE EMPLOYMENT, ASSIGNMENT, PERFORMANCE AND APPOINTMENT OF SPECIFIC PUBLIC OFFICERS APPOINTEES, AND EMPLOYEES OF THE CITY OF WINCHESTER.

Vice-President McInturff moved to convene into executive session at 6:42 p.m. *The motion was seconded by Mayor Minor then unanimously approved 8/0.*

Councilor Clark moved to reconvene in open session at 8:21 p.m. *The motion was seconded by Councilor Hill then unanimously approved 8/0.*

Upon returning, each member certified that only public business matters lawfully exempted from open meeting requirements of the Virginia Freedom of Information Act were discussed during the closed meeting, and that only those public business matters identified in the motion which convened the closed meeting were heard, discussed, or considered during the closed meeting.

A roll call vote was taken, the ayes and nays being recorded as shown below:

<u>MEMBER</u>	<u>VOTE</u>
Councilor Clark	Aye
Councilor Hill	Aye
Vice-President McInturff	Aye
Councilor McKannan	Aye
Mayor Minor	Aye
Councilor Sullivan	Aye
Vice-Mayor Veach	Absent
Councilor Wiley	Aye
President Willingham	Aye

6.0 ADJOURNMENT

Councilor Wiley moved to adjourn the meeting at 8:21 p.m. *The motion was seconded by Mayor Minor then unanimously approved 8/0.*

Kari J. Van Diest, CMC
Deputy Clerk of Council